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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/770,923	02/03/2004	Joseph G. Furst	ICON 2 00050	1638
27885 7590 04/25/2007 FAY SHARPE LLP 1100 SUPERIOR AVENUE, SEVENTH FLOOR CLEVELAND, OH 44114			EXAMINER TRUONG, KEVIN THAO	
			ART UNIT	PAPER NUMBER
			3734	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/25/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/770,923	<b>Applicant(s)</b> FURST ET AL.	
	<b>Examiner</b> Kevin T. Truong	<b>Art Unit</b> 3734	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-52 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/04</u> . | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-52 are rejected under 35 U.S.C. 102(b) as being anticipated by Jayaraman (U.S. 5,755,781).

Jayaraman disclosed in figures 26-29, an expandable body (130) suitable for dilating a blood vessel; and an amphiphilic block copolymer coating a surface of the body; wherein the amphiphilic copolymer comprises a continuous network including both hydrophobic and hydrophilic polymer chains that is able to swell in both hydrophobic and hydrophilic solvents; wherein the amphiphilic block copolymer comprises poly(alkylene glycol) chains, poly(olefin) chains and polysiloxane chains; wherein the drug of the amphiphilic is selected from the group consisting of triazolopyrimidine, paclitaxol, sirolimus, derivatives thereof, and analogs thereof; wherein the copolymer can be designed to carry any of the drugs triazolopyrimidine, paclitaxol, and sirolimus and release from about 10 to about 90 percent of the drug within the first thirty days of installation in an artery of a living human being by varying lengths of the hydrophobic and hydrophilic polymer chains, ratios between chains, and/or extent of cross-linking; wherein the copolymer can be designed to carry any of the drugs stem cells, antibodies, genetic materials, and lymphokines and release from

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about 10 to about 90 percent of the drug within the first thirty days of installation in an artery of a living human being by varying lengths of the hydrophobic and hydrophilic polymer chains, ratios between chains, and/or extent of cross-linking; wherein the stent is coated with a plurality of layers, wherein one of the layers acts as a barrier to diffusion of the drug.

Furthermore, Jayaraman also disclosed the method of manufacturing a stent comprising: providing an expandable body (130) suitable for dilating a blood vessel; and forming over a surface of the body a coating comprising an amphiphilic block copolymer, wherein the amphiphilic block copolymer comprises a network of both hydrophobic and hydrophilic polymer chains that is able to swell in both hydrophobic and hydrophilic solvents; forming a solution comprising a solvent and a drug that inhibits one or more of stenosis, restenosis, and vascular narrowing; and swelling the polymer with the solution; evaporating to remove at least some of the solvent from the polymer; and swelling the polymer a second time with the same or another solution containing the drug; forming a coating comprising an amphiphilic block copolymer comprises coating the surface with a solution of macro-monomers together with a drug and polymerizing the macro-monomers; wherein the copolymer can be designed to carry any of the drugs triazolopyrimidine, paclitaxol, and sirolimus and release from about 10 to about 90 percent of the drug within the first thirty days of installation in an artery of a living human being by varying lengths of the hydrophobic and hydrophilic polymer chains, ratios between chains, and/or extent of crosslink; forming the stent by a process comprising microelectromechanical machining; wherein the microelectromechanical

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machining is used to form teeth or other indentations that are part of a ratcheting mechanism; wherein the body comprises a web-like structure and the polymer forms webbing within openings in the structure, the method further comprising applying a concentrated stream or spray of solvent to remove the webbing.

### ***Conclusion***


3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hong et al (U.S. 6,565,599) discloses an expandable stent for implantation in the body lumen comprises multiple links formed of polymer material.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin T. Truong whose telephone number is 571-272-4705. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 6:00 PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Hayes can be reached on 571-272-4959. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-4000.

  
Kevin T. Truong  
Primary Examiner  
Art Unit 3734

ktt